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08/653,425	05/24/96	MURESAN	D

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EXAMINER

LIANG, R

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 15

Serial Number: 08/653,425
Filing Date: 5/24/96
Appellant(s): Muresam, et al

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EXAMINER'S ANSWER

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This is in response to appellant's brief on appeal filed 5/13/98.

(1) *Real Party in Interest.*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences.*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of claims.*

The statement of the status of claims contained in the brief is correct.

This appeal involves claim 1.

(4) *Status of Amendments After Final.*

The appellant's statement of the status of amendments after final rejection contained in the brief is incorrect.

The amendment after final rejection filed on 1/14/98 has not been entered.

(5) *Summary of invention.*

The summary of invention contained in the brief is deficient because it contains extraneous subject matter, the summary of this invention is a computer mouse has a magnet which does not touch the ball and create a force to press the ball against the X and Y coordinates.

(6) *Issues.*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of claims.*

Appellant's brief includes a statement that claim 1 do not stand or fall together and provides reasons as set forth in 37 C.F.R. § 1.192(c)(5) and (c)(6).

(8) *Claims appealed.*

Claim 1 contains substantial errors as presented in the Appendix to the brief. Accordingly, claim correctly written in the Appendix to the examiner's answer.

(9) *Prior Art of record.*

5,371,516

Toyoda et al

12-1994

(10) *New prior art.*

No new prior art has been applied in this Examiner's Answer.

(11) *Grounds of rejection.*

The following ground(s) of rejection are applicable to the appealed claims.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toyoda et al.

Toyoda et al discloses an input device comprising a magnet (49) which attracts a rubber magnetic core ball (8) against the X and Y coordinate shafts (20X and 20Y). Note column 11, lines 13-20. Toyoda et al, however, does not mention that the input device is a mouse. But it would have been obvious to one of ordinary skill in the art to employ the feature of using magnet and magnetic core ball in a mouse because Toyoda et al admits that is conventional for a mouse to employ a rotatably supported ball (which can be the magnetic core ball as above). Note column 1, lines 19-22.

(12) *New ground of rejection.*

This Examiner's Answer does not contain any new ground of rejection.

(13) *Response to argument.*

Appellants' argue that their mouse ball has 2 contacts but in Toyoda's has 3 contacts, which is not persuasive since it is not recited in appellants' claim that the ball only has two contacts. The claim does not preclude a mouse ball with a third contact. Furthermore, the claim only requires a "Mouse comprising: a magnet which attracts the rubber magnetic core ball against the X and Y coordinate shafts" which is taught by Toyoda, hence the claim is not allowable over Toyoda.


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Conclusion

For the above reasons, it is believed that the Final rejection under 35 U.S.C. § 103 is proper and the Board of Patent Appeals and Interferences is therefore respectfully urged to sustained the Examiner's rejection(s).

Respectfully submitted,


**REGINA LIANG
PRIMARY EXAMINER**

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Appendix.

A copy of the claim involved in the appeal:

1. The Computer Mouse comprising: a magnet which attracts the rubber magnetic core ball against the X and Y coordinate shafts.